

Serial No. 10/588,388
60469-106 PUS1; 5254-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jim A. Rivera
Serial No.: 10/588,388
Filed: August 4, 2006
Group Art Unit: 3654
Examiner: Kruer, Stefan
Title: ELEVATOR RAIL SUPPORT BRACKET

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Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

RESPONSE UNDER 37 C.F.R. § 1.116

Dear Sir:

This paper is a responsive to the Final Office Action mailed on June 17, 2009.

REMARKS

Applicant thanks the Examiner for the detailed remarks and analysis. Claims 22, 24, 25, 27-31, 33, 35-39, and 41-46 remain pending. Applicant requests reconsideration of the rejections made final for the following reasons.

1. Rejection of claims 31, 33, 35-36 and 45-46 under 35 U.S.C. §112

The Examiner rejected these claims because the specification does not include the term "overlapping." Applicant respectfully submits that the term is supported by at least Figures 3 and 4 of the originally filed application. Further, even by the Examiner's own definition, "overlapping" is disclosed. As understood, the Examiner argues that the term "overlapping" means "extending past and covering a part of." Figures 3 and 4 disclose one part of the claimed clip stacked on top and covering part of the other clip. According to the Examiner's own reading, one plate resting atop the other *is* overlapping and therefore disclosed in the specification and by the Figures. The rejection should be withdrawn.